

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

v.

JAMES D. SUTTON,

Defendant.

23-CR-43-LJV-MJR
DECISION & ORDER

1. On April 2, 2024, the defendant, James D. Sutton, pleaded guilty to Count 1 of the indictment charging a violation of Title 18, United States Code, Section 2252A(a)(2)(A) (distribution of child pornography). Docket Item 39.

2. On April 2, 2024, the Honorable Michael J. Roemer, United States Magistrate Judge, filed a Report & Recommendation recommending that the defendant's plea of guilty be accepted and that the defendant be adjudged guilty. Docket Item 41.

3. This Court has not received objections to the Report & Recommendation in accordance with Title 28, United States Code, Section 636(b)(1), and Rule 59(b) of the Federal Rules of Criminal Procedure, and the time to object now has expired.

4. This Court has carefully reviewed *de novo* Judge Roemer's Report & Recommendation (Docket Item 41), the plea agreement (Docket Item 39), the indictment (Docket Item 1), a transcript of the plea proceeding (Docket Item 43), and the applicable law. This Court finds no legal or factual error in Judge Roemer's Report & Recommendation and therefore adopts Judge Roemer's recommendation that the

IT IS HEREBY ORDERED that this Court adopts Judge Roemer's April 2, 2024 Report & Recommendation, Docket Item 41, in its entirety, including the authorities cited and the reasons given therein, and it is further

ORDERED that the Court accepts the defendant's plea of guilty and defers acceptance of the plea agreement pursuant to Sentencing Guidelines Section 6B1.1(c), and the defendant, James D. Sutton, is now adjudged guilty of Count 1 of the indictment under Title 18, United States Code, Section 2252A(a)(2)(A).

SO ORDERED.

Dated: May 30, 2024
Buffalo, New York



LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE